IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20712 of 2004

Between:

Syed Khaledulla Hussaini @ Khalid, s/o Syed Zahed,
r/o 101, Suhasininagar, Sikh Village, Secunderabad.

..... PETITIONER

AND

1 The State of A.P., through the WCO Team III, C.C.S.,Hyderabad rep., by the Home Department, Secretariat, Hyderabad.
2 The Hon'ble Special Court, Judge-cum-Metropolitan Sessions Judge, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of prohibition declaring that the second respondent /special court is not competent to proceed with C.C.No.78/03.

Counsel for the Petitioner : MR. J.C.FRANCIS

Counsel for the Respondent No.1 : GP FOR HOME

The Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.20712 OF 2004

ORAL ORDER :

This writ petition is filed seeking a Writ of Prohibition declaring that the second respondent is not competent to proceed with C.C.No.78 of 2003 on the file of the Court of the Metropolitan Sessions Judge, Hyderabad.

As can be seen from the material on record, a charge-sheet has already been filed after completing the investigation in Crime No.63/1999, dated 09-04-1999 on the file of CCS, Hyderabad and the proceedings are pending before the Special Court Judge-cum-Metropolitan Sessions Judge, Nampally, Hyderabad in C.C.No.78 of

2003 for the offences punishable under Sections 420 and 409 of the Indian Penal Code and Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999.

The petitioner contends that the provisions of The A.P. Protection of Depositors of Financial Establishments Act, 1999, which came into force w.e.f. 1-11-1999, cannot be made applicable to him since the crime was registered long back on 09-04-1999. Thus, according to the petitioner, the Special Court is not competent to proceed with C.C.No.78 of 2003 and therefore the proceedings are liable to be set aside.

Since the Special Court has already framed the charges, it would be appropriate for the petitioner to work out the appropriate remedy as available under the Code of Criminal Procedure and I am not inclined to entertain this writ petition in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate remedy as available under law by urging all the contentions raised herein, the Writ Petition is dismissed. No costs.

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10th November, 2004.

gbs

To

1 The Inspector of Police, State of A.P., through the WCO Team III, C.C.S.,Hyderabad rep., Home Department, Secretariat, Hyderabad.
2 The Special Court Judge-cum-Metropolitan Sessions Judge, Nampally, Hyderabad.

3.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT).

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